

Under the title of the application and before "Background of the Invention," insert the following:

Cross-Reference To Related Application

D/ This is a continuation of Application No. 08/653,520, filed May 15, 1995, now abandoned which is a continuation of Application No. 08/082,226, filed June 23, 1993, now abandoned.

In the Claims

Cancel claims 23-26, 56-59, 71-81 and 91-97.

REMARK

Claims 1-3, 7, 8, 10-16, 18, 23-26, 35-37, 41-49, 51, 56-59, 71-81, and 92-97 are pending in the application. After the entrance of the above amendment to the claims, claims 1-3, 7-8, 10-16, 18, 35-37, 41-49, and 51 will be pending and claims 23-26, 56-59, 71-81 and 91-97 will have been cancelled.

Specification

Applicants have amended the instant specification in accordance with the Examiner's remarks.

Priority

Applicants' instant application is a continuation of Application No. 08/653,520, filed May 15, 1995, now abandoned, which is a continuation of Application No. 08/082,226, filed June 23, 1993, now abandoned. Support for Applicants' position on copendency will be presented later in this document.

Claim Rejections - 35 USC § 112

Claims 15 and 48 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner is specifically rejecting the use of the particular polyethylene LDPE, because according to the Examiner, LDPE is a highly branched material made by a high pressure process which goes against the art of single site catalyst.

Applicants respectfully disagree with the Examiner's position and direct the Examiner's attention to p.17, fifth paragraph of Schut Plastics Technology "Enter a New Generation of Polyolefins," November, 1999 which shows the LDPE resin made using a single site catalyst.

Claim Rejection – 35 USC § 102(b)

Claims 1-3, 7-8, 10-16, 18, 35-37, 41-49, and 51 are rejected under 35 USC § 102(b) as being anticipated by Lai et al. (5,272,236). This rejection is based on the Examiner's position that the instant application lacks copendency with its parent application U.S. Application No. 08/653,520 and therefore is only entitled to an effective filing date of July 7, 1997. Applicants respectfully disagree with the Examiner's position for the following reasons.

Applicants filed the instant application via express mail on July 2, 1997. Included in the filing of July 2, 1997 was a request for a three month extension of time for responding to the Office Action mailed January 2, 1997, for prior application U.S. Application No. 08/653,520. Therefore, the prior application (Application No. 08/653,520) was pending at the time of filing the instant application. Applicants have included as part of this response documents which are labeled Exhibits A-C that support Applicants' position on copendency.

EXHIBITS

- A. Copy of Request for 3-Month Extension of Time.
- B. Copy of Rule 60 Application transmittal.
- C. Copy of the Postcard which was returned from the USPTO showing the filing date (7/2/97) and the application number for the instant application as well as the acknowledgment of the receipt of the Request for the 3-month extension of time.

Claims 1-3, 7-8, 10-14, 16, 18, 35-37, 41-47, 49, 51, 71-75 are rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Hodgson, et al. (5,376,439).

Again, Applicants have clearly established that they are entitled to an effective filing date of June 23, 1993. Therefore, for the reasons stated previously, Hodgson, et al. cannot stand as a reference against the instant application.

Claim Rejections - 35 USC § 103

Claims 23-26, 56-59, 71-81 and 91-97 are rejected under 35 USC § 103(a).

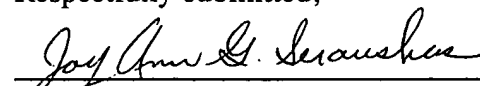
Claims 23-26, 56-59, 71-81, and 91-97 have been cancelled with the understanding that Applicants reserve the right to file a continuing application or applications covering all or part of the subject matter covered by the cancelled claims.

In view of the cancellation of the above-identified claims, no response by Applicants to the Examiner's remarks regarding these claims is necessary at this time.

In view of the foregoing, solicitation of allowance of the pending claims is requested.

Date: October 28, 1999

Respectfully submitted,



Joy Ann G. Serauskas
Registration No. 27,952
McDermott, Will & Emery
227 West Monroe Street
Suite 4400
Chicago, IL 60606
312-372-2000

CHI99 3326999-1.024180.0096